

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SHAWN DRUMGOLD  
Plaintiff,

v.

TIMOTHY CALLAHAN, FRANCIS M.  
ROACHE, PAUL MURPHY, RICHARD  
WALSH, and THE CITY OF BOSTON,  
Defendants.

C.A. NO.: 04-11193NG

**DEFENDANT TIMOTHY CALLAHAN'S MOTION**  
**FOR ENTRY OF FINAL JUDGMENT IN HIS FAVOR**  
**OR IN THE ALTERNATIVE, FOR AN ORDER DEFINING**  
**THE SCOPE OF RETRIAL**

The Defendant, Timothy Callahan, respectfully moves this Court to enter judgment on all issues decided in his favor by the Court, in its partial grant of summary judgment on January 7, 2008, and by the jury in its verdict of April 9, 2008 (thus judgment in his favor on Counts III and IV, and in his favor with regard to the claims brought by Drumgold with regard to issues concerning Tracie Peaks and Mary Alexander, and with regard to Ricky Evans' housing, disposition of criminal cases, and procurement of false testimony). Callahan further moves the Court to enter judgment as a matter of law on the remaining issue left by the jury's failure to reach a unanimous verdict on the issues surrounding his giving money to Ricky Evans, as no reasonable jury could conclude that by so doing, Callahan violated Drumgold's right to a fair trial and by so doing, proximately caused his conviction.

In the alternative, Callahan moves the Court to limit the scope of any retrial, as set forth in the accompanying Memorandum of Law.

**Defendant,**  
**TIMOTHY CALLAHAN,**  
By his attorneys,

/s/ Mary Jo Harris  
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CERTIFICATE OF SERVICE

I, Mary Jo Harris, hereby certify that I served a copy of the within pleading on all counsel of record by filing same via ECF on June 2, 2008.

/s/ Mary Jo Harris